

San Francisco Bay Conservation and Development Commission

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May 10, 2019

TO: All Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653; larry.goldzband@bcdca.gov)

Peggy Atwell, Director, Administrative & Technology Services (415/352-3638; peggy.atwell@bcdca.gov)

SUBJECT: Draft Minutes of May 2, 2019 Commission Meeting

1. **Call to Order.** The meeting was called to order by Chair Wasserman at the Bay Area Metro Center, 375 Beale Street, Board Room, First Floor, San Francisco, California at 1:09 p.m.

2. **Roll Call.** Present were: Chair Wasserman, Vice Chair Halsted, Commissioners Ahn, Butt, Gorin (arrived at 1:12 p.m.), Resources (represented by Alternate Eckerle), McGrath, Peskin, Pine (arrived at 1:57 p.m.), Ranchod, Randolph (arrived at 1:35 p.m.), Sears, Spering (represented by Alternate Vasquez), Tavares (represented by Alternate Nguyen), Techel, Wagenknecht and Governor's Appointee (represented by Alternate Holzman). Senator Skinner, (represented by Alternate McCoy) was also present.

Chair Wasserman announced that a quorum was present.

Not present were Commissioners: Association of Bay Area Governments (Addiego), Senate Rules Committee (Alvarado), Alameda County (Chan), Santa Clara County (Cortese), Department of Finance (Finn), Contra Costa County (Gioia), State Lands Commission (Lucchesi), U.S. Army Corps of Engineers (Myers), U.S. Environmental Protection Agency (Ziegler)

3. **Public Comment Period.** Chair Wasserman called for public comment on subjects that were not on the agenda.

Ms. Eva addressed the Commission: I will be speaking off-the-cuff today. I would like to remark on what I saw at the last meeting. Toward the end of the meeting there was an enforcement issue and a Marin County businessperson who had apparently violated one rule or another was called to account.

I was intrigued by how he was received. He had been remiss in answering the Commission. He had health issues and that was understandable. I thought the Commission's approach to him was empathetic and responsible.

What it brought up for me is if you are able to do that with someone who has erred in the public eye; would it not also be possible to take a similar approach with regard to one of your fellow Commissioners? And by that I mean Commissioner Sears.

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She was found to be in criminal, conflict of interest with regard to Royal Dutch Shell. This is beyond problematic and should have been criminally prosecuted in the county of Marin.

Since the county of Marin is so corrupt it won't do anything. I would like to urge the more ethical Commissioners on this board to consider how they might look at the situation and look at how this conflict of interest impacts their reputation and their ability to move forward as an able body.

I think it is possible for you to act privately. Thank you.

Commissioner McGrath off-mic: You know, I –

Chair Wasserman interjected: You may comment. You may not actually respond because it is not agendaized as a matter but I will recognize your right to comment.

Commissioner McGrath stated: Then I will hold my tongue.

Chair Wasserman replied: I appreciate that.

Mr. Jaidev Kalra was recognized: I am usually not good at public speaking so kindly bear with me.

As of today it is my last day as attending the Commission meeting as a staff member. I thought I would say a few words dealing with my experience of working with this agency.

I often saw people using the Public Comment section to express their views about any subject and it amazes me to see the power of freedom of speech in its full effect.

Thank you Commissioners for giving me an opportunity to be heard today. An opportunity to be heard is something I can understand the value of much more than you may think.

When I joined BCDC I learned a lot. I learned new words like restoration, marsh development, adaptation – they all seemed very confusing to me at the beginning. After a few months of attending Commission meetings it all finally started to make sense.

Here we have an agency with a staff of 50 and over 15 Commissioners at every meeting discussing openly and approving projects around the Bay.

I see this as a blessing because never do you know how many states and nations there are in the world that have the privilege of a dedicated agency working towards development of the Bay and the environment.

I quote, "We do not have resources for some pond." This is how a few lawmakers around the world would dismiss the idea of having a commission only for the Bay.

The well-being falls under the federal bureaucrats and because of excessive workloads or agendas that need priority processes and development can be extremely time consuming and complex.

In some parts of the world I have written about commissioners making decisions in closed rooms with no transparency whatsoever.

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That brings me to my point about the opportunity to be heard. I will share an example today of my personal experience in regard to this.

Here on your screen you see two documents both of which entail the exact, same concept – public hearing and comment. The document on the left shows how easy it is to utilize Agenda Item 3 at BCDC meetings and be given the opportunity to be heard with no pre-conditions.

The document on the right (apparent legal document with a Bombay court address) comes from a foreign jurisdiction which also follows the exact same common-law system, however the only difference is that the opportunity to be heard is to be achieved after an extreme, long battle in court proceedings – around three years of strenuous efforts, money, pressure and persistence a panel of judges finally ordered the agency to give me an opportunity to be heard. This document is a court order asking the agency to fulfill a basic, legal requirement which could have been easily made available in the first place.

My point is that easy access to the legal system for everyday citizens must be appreciated if not celebrated. As humans it is in our nature to look at the negatives over positives.

It is in our instincts to instantaneously spot darkness in a room full of light. I am standing here today to hit the pause button and take a moment to recognize and appreciate our efforts.

I see that this is a beautiful organization with a great intent, and that intent is to help people and not the other way around.

I'd like to thank Chief Counsel Zeppetello, Director Goldzband and each and every staff member and all of the Commissioners and Alternatives for giving me an opportunity to be a part of this agency and serve the citizens of California.

I now take a better perspective and deeper understanding of how agencies function even dealing with the big challenges that are posed daily.

I can only hope that sooner or later my path will cross again with BCDC. And finally this is Jaidev Kalra, legal secretary at the San Francisco Bay Conservation and Development Commission signing off with excitement moving into the next phase of my life which is law school at Berkeley. Thank you. (Applause)

Chair Wasserman stated: Thank you both for your service and for your remarks and we wish you a very, successful career at the law school at Berkeley.

That concludes our public speakers and that leads us to Item 4, Approval of the Minutes of our April 18th meeting. They have been distributed. Are there any corrections or additions? (No comments were voiced)

Seeing none I would entertain a motion to approve.

4. **Approval of Minutes of the April 18, 2019 Meeting.** Chair Wasserman asked for a motion and a second to adopt the minutes of April 18, 2019.

MOTION: Vice Chair Halsted moved approval of the Minutes, seconded by Commissioner McGrath.

VOTE: The motion carried with a vote of 13-0-2 with Commissioners Ahn, Butt, Gorin, McGrath, Peskin, Sears, Vasquez, Nguyen, Techel, Wagenknecht, Holzman, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and Commissioners Eckerle and Ranchod abstaining.

5. **Report of the Chair.** Chair Wasserman reported on the following: We continue to live in interesting times. Hopefully you read the article in The Chronicle this morning about the Estuary Institute.

Commissioner McGrath requested: Please mention the funding agency.

Chair Wasserman continued: A very thick and impressive and important study funded by the Bay Area Water Quality Management District who representative is Commissioner McGrath in case you didn't know that. (Laughter) And it was produced by the SF Estuary Institute and SPUR.

It looks at 30 separate landscape units in the Bay and in each area suggests adaptation measures the vast bulk of which are natural.

It does acknowledge there are some areas where that won't work. Foster City and the San Francisco Waterfront being foremost amongst those but not the only ones.

But it is a very important illustration and guide addressing the first question of the campaign we have been embarked on for five years to determine what we can do to adapt to rising sea level; what we should do given unforeseen consequences and priorities and how we are going to pay for it.

But the first step is a critical one – what can we do? And this is a very important step forward in that. It is not necessarily the precise blueprint that we will follow but I have no doubt a number of these projects will be implemented.

There have been a number of stories in the New York Times which is upping its climate coverage which is a good thing. One of them prescribes things we can all do. It addresses what we can eat to reduce the impacts on climate change.

I also think it is very important to note that, and this is not a political endorsement, there are at least two presidential candidates in the Democratic Party who have made addressing climate change their only platform in the case of the governor of Washington or a very significant one in the case of Beto O'Rourke.

There are a number of others who also have talked about making it a very important piece of their platform. But those two are out in front and I think that is a very, very positive sign for us.

But as we know our work continues and despite that support it does not get any easier. I was a little distressed this past weekend at my 50th college reunion at U.C. Santa Cruz to have a discussion with a perfectly, intelligent man who has studied climate change who described himself to me as an agnostic on the causes of climate change.

Now he doesn't disagree that we need to address regardless and he said we were on the same page. It was a harsh reminder that as much as we like to think we have overcome the fundamental, educational hurdle it ain't quite so.

We will continue our efforts with vigor.

Vice Chair Halsted was recognized: At SFEI is the report funded by our great agency. One of the things it does is it gives people a little more confidence that there are some reasonable ideas to begin to approach sea level rise and gives many people more of a sense of confidence in what the future could hold rather than just fear. So I think it brings people into the discussion.

I went to Miami with SPUR on a study trip and we were particularly interested in sea level rise which is in Miami is very different because their ground underneath consists of porous limestone through which the water bubbles up. So in their back yards the sea level is rising and they are very much aware of it.

We saw two very different approaches. One in the city of Miami we had a famous economist talking about how they were going to deal with it. He said it is going to happen and when we can't stay here we will leave.

On Miami Beach the approach was somewhat more optimistic but short term. They are talking about raising the sidewalks and streets two feet every 10 years or so to try to cope with it and stay there as long as they can.

It was an interesting review of how another inundated location is looking at dealing with it. Thank you.

Item 9 Postponed. Chair Wasserman announced: Item 9 has been postponed. If you are here for Item 9 don't stay and expect it to be heard.

a. **New Commissioner.** We will shortly welcome a new Commissioner Dr. Rick Bottoms has retired from the U.S. Army Corps of Engineers. He deserves our recognition as the regulator who initiated the framework of the new multi-agency habitat restoration permitting program – known as the BRRIT. We'll miss him and his perceptive questions and dry wit.

b. **Environmental Justice Commissioner Working Group.** I would now like to ask Commissioner Ahn to report on the Environmental Justice Working Group meeting that was held this morning.

Commissioner Ahn reported the following: We went over timeline and processes upcoming. Some things to expect are over the course of April and May we are reviewing a number of opinions such an April 22nd letter from an environmental justice coalition to evaluate how to revise our Bay planning process.

On May 16th there will be a briefing to the Commission and then May 17th or later there will be a mailing and posting of a background report, a staff planning report as well as including preliminary policy recommendations that we can consider when incorporating this environmental justice amendment into our process.

So between some time between May 17th to July 12th we will allow for a public comment period and then on July 18th will be the big, public hearing in which we will evaluate all these processes.

Chair Wasserman asked: Any questions? (No comments were voiced) Thank you very much for that report and the work you are all doing.

I attended yesterday a meeting of the chairs of the members of the BARC (Bay Area Regional Collaborative) which had been called by the new BARC chair, Cindy Chavez, Supervisor from Santa Clara.

It was a productive discussion. Representatives of all three agencies were there. It was somewhat focused on the BARC Work Plan but the actual conclusion was a very good one which is that part of what BARC has been doing is to focus on and carry out projects at the inter-connection of these agencies that the agencies themselves may not do for a variety of reasons or may want to do in a more coordinated manner.

One example was that although the BARC itself was not really involved the staff was very involved in Resilience by Design and did a very good job with that.

The suggestion was made and informally approved that the three executives of the four agencies think about what projects might make sense and they will do that.

The two that were tossed out at the meeting – one was looking at priority development areas (PDAs) because there have been a number of questions raised about them and because they have impact on and are certainly impacted by the actions of all four agencies.

The other one which is probably a little tougher and perhaps even more important and relates to Commissioner Ahn's report is to look at the definitions of equity that each of the four agencies use and see if there is not a way to bring them into harmony. It is my own hope that this one that the executive directors come up with because it would be a very useful discussion and could be very, very helpful.

The second administrative issue is that we are forming a regional, shoreline, adaptation-plan, advisory group. This is a group to help this Commission in moving forward on the actual development of the RAP.

It is about a 20-member board from across the spectrum. It has several Commissioners on it as well as SF Estuary Institute and the Coastal Conservancy as well as the private sector.

We hope to have our first meeting later this month and we will figure out how often we meet and set the procedure. That entity will also serve in part as the Citizen's Advisory Committee function that is called for in our authorizing legislation which we have not had in some time.

c. **Next BCDC Meeting.** Chair Wasserman noted: Our next meeting will be held in two weeks, on May 16th, when we expect to:

(1) Consider adoption of the “Hope for the Bay” resolution that we are deferring from today’s agenda (Item 9).

(2) Have a staff briefing and discussion on the enforcement audit.

(3) Have a staff briefing on the Environmental Justice Bay Plan Amendment.

(4) Have a staff briefing on the Fill for Habitat Bay Plan Amendment.

Executive Director Goldzband chimed in: Late breaking news; the agenda two weeks from now will be a briefing by Professor Mark Lubbel from U.C. Davis on the Governance Study that he conducted which was published in late March of this year.

d. **Ex-Parte Communications.** Chair Wasserman announced: If anyone has ex-parte communication they wish to report they may do so now but you do need to do so in writing under any circumstances.

Commissioner Gorin commented: I do not have an ex-parte communication but the request was forwarded to me perhaps to have a couple minute discussion/dialogue on SB 45 and the resiliency bond that is moving forward.

Sonoma County has been a part of the Water Bond Coalition for a number of years. It was not successful in the last election but the sense of urgency regarding climate change has shifted the discussion from water projects to funding for resiliency projects.

Senator Ben Allen is sponsoring this and it is moving through the state senate, SB 45 Wildfire Drought and Flood Protection Bond Act of 2020.

So you can imagine why Sonoma County is very involved in these discussions. Yes we have had two disasters in the last two years. I am feeling in very personally as well as throughout the County.

It is a climate-resiliency bond and it is currently moving through the state senate. It has been passed through three policy committees and heads to the Senate Appropriations Committee in the next two weeks. If it passes there it will go to the senate floor.

The bond is currently at \$4.3 billion and would fund pre-hazard and pre-disaster mitigation activities to reduce the impacts of fire, sea level rise, flooding, drought and extreme heat.

This is very appropriate given the discussion that we just had. Thank you Commissioner McGrath for your work on the report coming forward. And even though the state acknowledges the infrastructure impacts maybe 150 billion; in the article in today’s paper the study said for the Bat Area alone it is over \$100 billion in infrastructure issues. We know that only too well.

So Senator Ben Allen was hit by the Woolsey fire. There were eight fires in Sonoma County and I was affected by that. I am still battling with insurance companies.

The point is that we acknowledge even though the folks in the community may not acknowledge the impacts of climate change we have been discussing the adaptation to climate change here and in the Restoration Authority.

Every jurisdiction is struggling to get the funding for planning activities and infrastructure adaptation. And here is an attempt to convince the voters that it makes sense for us in California to adopt the bond given the sheer amount of coastline that we have but it is not just the coastline that is impacted by climate change.

I have a fact sheet and I will give it to the clerk and hopefully we can scan that and send it out to all of you. I am not sure that BCDC takes positions.

As a state agency do we take positions? Do we actually advocate for some of the funding? And yet we have had the discussions here – inadequate funding for our activities.

We can't really discuss that but I'll lob that ball back into your court and with a little plea for maybe we can send an educational message about what we have been doing on the Adaptation for Rising Tides and what kind of funding we might need to move forward with our work and send that to Senator Allen and all of our legislatures. And that would maybe get the message out there. Thank you so much.

Chair Wasserman stated: We will agendaize that for a fuller discussion. We will check with staff on a scheduling but we will do that as soon as we can and at that time we will also take up the issue of what we can or cannot do or should or should not do in terms of advocating for it and endorsing ballot measures.

Commissioner Gorin added: When you receive the fact sheet if you could send it or bring it back to your counties. They are looking for local support for this and we sitting around this dais really do understand the importance of this.

BCDC could take an action but our counties and cities could as well.

Commissioner McGrath was recognized: I appreciate the kudos. I did support funding but we have one of our stars here in the audience. And with Julie Beagle they have done the work. Christina is at least ten times the shoreline morphologist that I ever pretended to be.

I also want to give Commissioner Gorin credit because one of the projects that is mentioned and is underway is for Sonoma Creek. And I remember lobbying her and EPA for funding and she certainly had the leadership to do that.

In some areas we are underway and it is always to have allies.

Chair Wasserman announced: And that brings us to the Report of the Executive Director.

6. Report of the Executive Director. Executive Director Goldzband reported the following: Thank you very much Chair Wasserman.

Good afternoon. Today is the anniversary of the birth of Lorenz Hart one of America's greatest lyricists. He died way too young and, in many respects, was consistently bewitched, bothered and bewildered. And while I could write a book about the goings on at BCDC I'll try to make this report somewhat short.

First, you have probably noticed a lack of paper in front of you. Peggy would you please describe the staff's new paper policies?

Ms. Peggy Atwell addressed the Commission: By using less paper we reduce the impact on our environment which is true to our mission. A step towards this is that we will no longer print out agendas, PowerPoint presentations or articles that we typically throw in the recycling bin after our meetings.

Starting today the meeting agenda will be displayed on the screen throughout the meeting and as well as any presentations that were normally printed out.

Remember we provide documents that are part of the meeting on our website for access if you'd like a copy for reference. And thank you all Commissioners for supporting us.

Executive Director Goldzband continued: You will also notice attached to your TEC form, some of you a blue card –we ask that you do not leave this room without completing the blue card. Please do so and that will ensure that we get you the information you need in the way that you ask.

With regard to staffing, we plan to hire two individuals unless we hear from you otherwise. First, Margaret Stuchfield has accepted our offer to become BCDC's new receptionist. She currently works for the California Highway Patrol. She has lived abroad, attended City College of San Francisco and the College of Marin (making her both a Ram and a Mariner), and also is an experienced successful bartender. Clearly, she has the skills we need to handle our busy front desk and we won't charge the public ten cents a dance.

Emily Mann has accepted an Environmental Services Intern position at BCDC and plans to start on June 10th. Ms. Mann is a true Golden Bear as she earned her undergraduate degree at Cal in Political Science and International Relations and is now a Masters of City Planning student at that august institution. Emily has worked for the Fund for the Public Interest, Heal the Bay in Santa Monica, the City of Santa Monica's Office of Sustainability and in various law firms. Her primary duties will be to assist the planning division but will also be assigned tasks in permitting and legal as needed.

Steve Goldbeck and I were in Sacramento yesterday for a budget hearing driving past a lot of mountain greenery on Highway 80 and I'd like him to give you a short report on our progress there.

Chief Deputy Executive Director Goldbeck addressed the Commission: Our move budget was before the Assembly Budget Committee yesterday as it was the week before but was held over and was passed. Now on at least one side of the state legislature our move funds have been set.

The vote on the other side of the legislature likely will happen in mid-May. Our GGRF augmentation to our budget will likely also be voted on later in May or maybe even in June which is typically how the GGRF funds are handled.

Our augmentation is being bundled with that of multiple other agencies including the Coastal Commission. We look forward to that as well.

The Assembly Budget Committee also considered an item that is related to our budget that addressed the state's working and natural lands including coastal wetland areas.

And the item was to talk about the Budget Committee's concerns that not enough funds were being proposed in the state budget to address these important issues apropos Commissioner Gorin's comments. An example of that which was raised was while the Coastal Commission and BCDC and the Coastal Conservancy in the last two budget years had received GGRF or Greenhouse Gas Reduction Fund augmentations.

The Coastal Conservancy wasn't in this budget. That was stated because they have access to Proposition 68 funds that they could use. And the Committee chair was concerned that those funds were supposed to be in addition to GGRF or General Funds and that not enough funds were being given to coastal resilience and other working lands across the state.

The Committee requested the Administration to reconsider this as a part of the May revise.

And similarly at our recent Senate Budget hearing on our GGRF funds along with the Coastal Commission the senators on the Committee voiced concerns that the amounts that were being proposed for this were inadequate to the need and that we needed to put more attention to this.

There is definitely concern in the legislature that funding for coastal resilience needs to be increased as well.

I wanted to also briefly mention the Bonta Bill, AB 1191 that addresses the A's proposal for a stadium and mixed-use development at the Howard Terminal in Oakland. The status of that is that the bill is basically a spot bill but it did pass both of the policy committees in the Assembly – the Natural Resources Committee and the Local Government Committee. What the bill does do substantively is reaffirm BCDC's and State Lands Commission's authority to review and issue or deny permits and also on our planning process through the Seaport Plan.

The chair explicitly said that the votes weren't predicated on the merits or demerits of the proposed project but on the statewide considerations and that they were voting because the bill would preserve BCDC's ability to consider that project going forward.

It now is in Appropriations in the assembly and after that it would go to the floor and to the other side of the legislature. But we will be discussing along with our sister agency the State Lands Commission that is involved in this bill; we will be discussing with the A's, the city of Oakland and the Port on potential legislation going forward, legislative amendments and we will bring back to you at the appropriate time what comes out or doesn't come out of those meetings.

We also set up a briefing for you on the various bills that might affect BCDC in the legislature including the Bond Act.

Chair Wasserman asked: Any questions on that report?

Commissioner Gorin commented: Here, here on paperless. Every agency I serve on is going paperless. But not all formats are equal. And Sonoma County has recently adopted I-Legislate which is a very efficient way of providing the agendas so you don't have to wade through 30 pages of a contract – you can go here and here for the exhibits and the attachments.

And so could you make it as efficient as possible for us to go through the agenda. Maybe you could do a little investigation on this. That is the request that I would have on that regarding greenhouse gases.

Every time I drive down here I think about the quality hours I spend in my car coming and going home. Your report, you minutes arrive before I do at home. (Laughter) Thank you very much.

I will continue to follow up with you about the ability for members to participate via video conferencing and it doesn't require state approval to do that. And we could make much more efficient use of member's time if we can do that.

Ms. Atwell chimed in: It is interesting Commissioner Gorin because Rebecca and I before the meeting started had a little bit of a conversation about what information do you really find helpful.

So we were thinking about maybe doing an anonymous survey and maybe passing it out and then you could answer the questions so we would know better what you are really looking for. That was great timing on that comment.

Commissioner Gorin replied: From my perspective I just want easy access to the various parts of the reports going forward.

Executive Director Goldzband continued: With regard to the enforcement audit we have learned that it will be made public during the morning of Tuesday, May 14th. In preparation we are working on a number of documents including a public statement, a new BCDC fact sheet, and a "Frequently Asked Questions" handout. We shall keep you fully informed of the events of Tuesday and Wednesday and ensure that you have access to all of those documents and we shall brief the full Commission on the audit and public reaction your Thursday meeting the 16th after a discussion that morning during the Enforcement Committee meeting. Those briefings also will include a description of staff's next steps regarding how best to implement the audit's recommendations. One question that has not been answered decisively yet is whether the Commission would like to invite the auditor to give the Commission a briefing on the report – please let me know of your thoughts within the week or so. In addition, we shall work with the Resources Agency to ensure that the Secretary and the Governor are aware of BCDC's responses and we shall brief the legislators who requested the audit as soon as their schedules permit.

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I also want to prepare you just a bit for our next meeting. As Chair Wasserman noted we have scheduled two short, high-level briefings for the Commission during your next meeting on May 16th on the two possible Bay Plan amendments on Environmental Justice/Social Equity and Fill for Habitat. As the staff reports will be distributed the next day – that Friday, May 17th – we can't provide you with a detailed description of what those proposals will contain. However, we can give you a preview of the coming attractions and the timetable we expect to follow. And, just as important, we shall ask you to distribute the staff proposals widely.

You will remember that one outcome of your discussion two weeks ago about the possibility of doubling BCDC's permit fees is for the Commission to set up a short-term working group of Commissioners to discuss various alternatives. Chair Wasserman will lead the group which will consist of Commissioners Gioia, Vasquez, Scharff and McCoy because they volunteered. Please feel free to let staff know of any ideas or concerns that you may have regarding the permit fee issue so that we can pass those on to the working group, otherwise they will never enter our minds.

Our staff very much appreciates your interest in the ART Bay Area project. For those of you who might be interested in attending an ART meeting, we have a public engagement meeting in Pittsburg Monday the 6th, an ART Bay Area Regional Working Group Meeting on Wednesday the 8th in San Jose and another public engagement meeting in Antioch on the 13th. And Antioch is never cold and damp unlike the rest of California.

That concludes my report, Chair Wasserman, and I'm happy to answer any questions you may have.

Chair Wasserman asked: Any questions for the Executive Director?

Commissioner Techel was recognized: I thought I heard a comment about an Enforcement Committee hearing? Has that been set?

Executive Director Goldzband answered: I believe it had been set for two weeks from today in the morning. I am looking around and I don't see anybody from Enforcement nor do I see Karen Donovan.

Mr. Zeppetello replied: But that is correct.

7. Consideration of Administrative Matters. Chair Wasserman announced: That brings us to Item 7 Consideration of Administrative Matters. We have received the Administrative Listings and Brad McCrea is here if you have any questions regarding them.

Commissioner McGrath commented: I have a comment which is rather detailed on the first item which is the Sail GP and it is listed as something else. But this is the sailing event of the very rapid, very fast catamarans that is scheduled for this weekend.

I raise this because there are concerns about making sure that we have a public process on things like this. Not so much that I have problems here and many of you know that I disappear in general when there are things that involve the board-sailing community.

My view of ethics is if I appear here I want you to know that I am making a decision based upon the record not anything that I've heard before.

But this is an interesting case. At the Harbor Safety Committee it was either in March or April. The race director Robbie Dean who had also been race director at the Saint Francis up here to let us know this event was being scheduled and I said, my board sailors are going to be concerned if the race course actually precludes being able to get on to the water from places.

Similar concerns would be raised about people who were swimming in the Bay.

What I told both of them was I said, I'm sure that you know that you need to share. I told the board sailing community and I told the racers; I said if your mother didn't teach you that I am absolutely positive that your kindergarten teacher taught you that.

So this was noticed. And I and the board sailing community worked directly with the Corps of Engineers and they put out a public notice that had the race over at 2:00 which was fine. And our comments to them were – 2:00 is fine. If you want to go later you have to move the course further east so it doesn't preclude access from the Bay.

And that is how the notice went out. So Tuesday when I got home from windsurfing my phone was just lit up as well as my email. Apparently there were committee boats out there buzzing around threatening windsurfers and the like well outside of the boundaries and well outside of the time that they were supposed to.

So we talked to the Coast Guard and I think it has been satisfactorily resolved. The Coast Guard is not real happy with the behavior or the attitude.

But there is a larger question out there which has to do with the stewardship of our public access areas to make sure that they are in fact shared. I understand that we need to generate revenue in some cases and it has been a practice in San Francisco and generally there is a pretty good job.

This was a big issue when America's Cup was originally proposed because they wanted to privatize pretty much everything and monetize it. And the outcome was pretty good.

I think this outcome is fine but what worries me is the amount of notice that is possible. I was fortunate enough to be at that Harbor Safety Committee meeting. I have good contacts within the board sailing community and I could tell them that they needed to share and that this was a pretty cool event that they wanted to see and that they didn't get the whole Bay but neither did the Sail GP.

But I want to make sure that we have a fairly serious discussion and I am not sure that – well I know that people and agencies don't understand the end-point needs of recreational users whether they are kayakers, stand-up paddlers, windsurfers, kite boarders or swimmers. Staff does a lot of things so they don't always understand what the end-user needs.

I want to make sure that we are sensitized to the idea that we need to engage the end-users on something that might impeded access.

I am not going to ask that it be pulled. I think the outcome is – but I want to do a little consciousness raising here.

Mr. McCrea asked: Commissioner McGrath would you like a response to some or all of that?

Commissioner McGrath answered: Sure. Part of the problem there – there is one thing that I forgot. Sail GP actually changed their request after the closing date.

Mr. McCrea continued: So I have invited Morgan Chow of our permitting team to join us here. She can talk to some of the technical aspects of it if needed.

But I will mention that the application process for these administrative permits is such that the listing that you have before you today, that informs you about the project, happens after the application is filed as complete.

This application was filed last Friday. And when it was filed, we got the listing to you right away.

We were talking about it this morning thinking about could we have done this differently? And we came to the conclusion that we could have asked our Executive Director to do an to let the Commission know it in his executive director's report.

We fully agree that we should be reaching out to the different stakeholders that would be affected in this case on the race course – people leaving the beach on their kite boards and on their wind surfers.

Commissioner McGrath added: And commercial traffic.

Mr. McCrea reiterated: And commercial traffic and sailboat users and everybody else that uses the Bay.

Of course all of that is encouraged, promoted, approvable, those uses as well this race. So the Bay is big but sometimes it is not all that big in cases like this.

Morgan, can you respond to the piece of it with regard to the race course itself and the coordinates that they used?

Permit Analyst Morgan Chow addressed the Committee: Thank you Commissioner McGrath for bringing it up. I spoke with the project proponent this morning and you are correct that they have – well it sounds like they have resolved this issue with the Coast Guard, but earlier this week the project proponent shared that their team was misinformed with the coordinates of their agreed-upon, race area in the water with the Coast Guard.

And so for their practice tomorrow, and for the event on Saturday and Sunday, the Coast Guard is going to be there and they are working with them closely to double check the coordinates before they are in the water.

And Brad already addressed the reason that weren't able to give better notice of the event because of the delay of the filing and us being able to file the application as complete.

And we are also in a lot of productive conversations with the proponent and San Francisco Recreation and Parks in terms of figuring out a balance between maintaining public access and also public safety during the event load-in and load-out.

So the good news is that the event on Saturday and Sunday is free and open to the public. That's all.

Chair Wasserman continued: Thank you.

8. Public Hearing and Possible Vote on Encinal Beach Project; BCDC Permit Application No. M2007.002.01. Chair Wasserman announced: That brings us to Item 8, a public hearing and possible vote on the East Bay Regional Park District's proposed project at Encinal Beach in Alameda. Rebecca Coates-Maloon will introduce the project.

Principal Permit Analyst Coates-Maloon presented the following: On April 19th you were mailed a summary of a request by the East Bay Regional Park District for beach and sand dune nourishment, removal of a derelict barge and debris, bank stabilization and public access improvements at Encinal Beach in the City of Alameda, Alameda County.

The project site is located along the Alameda Point shoreline on the south side of Alameda.

Encinal Beach is located at the terminus of a shoreline trail and is adjacent to the City of Alameda's Encinal boat ramp. The Beach was artificially formed as a result of sand accumulation inside of a jetty that was constructed in the 1940s and is therefore relatively sheltered.

The site includes a small area of unfenced, flattened dunes covered in ice plant and a derelict barge currently stabilizes the bank next to the public path.

Encinal Beach is a popular destination for beach goers and as a launching site for kayaks and other non-motorized vessels.

The existing BCDC permit at this site requires an approximately 31,200 square foot area be made available for unrestricted public access. And this includes the shoreline path as well as the dune area and most of the upland area proposed for work under this project.

The primary issues related to this project include if the Bay fill required by the project can be allowed if maximum feasible, public access is proposed consistent with the project and if the project is consistent with the Commission's policies on recreation.

The proposed project would result in approximately 17,800 square feet and 620 cubic yards of fill for the placement of imported beach sand on the existing beach to create a wider berm and approximately 2,700 square feet and 235 cubic yards of rip rap and cobble for bank stabilization.

The project would remove the deteriorated barge and debris over an approximately 12,325-square-foot area. The project also involves the removal and redistribution of sand on the beach berm.

In total the project would result in a net increase in Bay fill of approximately 505 cubic yards and at minimum 8,200 square feet.

The net square footage of fill placed may be higher than 8,200 square feet as the debris removed will be scattered over that area.

The Commission should consider if the fill is consistent with its laws and policies on allowable fill of the Bay including as it relates to Bay resources.

The proposed project would result in improvements to portions of the 31,200 square feet of public access at the site and would enhance a sandy beach for recreational use of the Bay.

The Commission should consider whether the proposed improvements, which the applicant will discuss in more detail provides the maximum feasible public access and provide water-oriented recreational opportunities, are adequately designed, and provide appropriate amenities for users of the site.

Since the summary was mailed there has been a minor modification to the project. The dune area would be roped off in full in order to protect the replenished and reshaped dunes rather than allowing the public access through the dunes once vegetation is established as was noted in your summary.

The dune area would therefore be converted from unrestricted public access to an educational, demonstration, dune habitat with interpretive signage.

Again, the Commission should consider the project's consistency with the Commission's law and policies related to Bay fill, public access and recreation as described further in your application summary.

To describe the project in more detail I will now introduce Joe Sullivan with the East Bay Regional Park District.

Mr. Sullivan addressed the Commission: Thank you for having me here. I need to thank Rebecca for part of the reason we are here today and her team did a quite extensive and thorough review of this project and we really appreciate it. There was a lot of back and forth on a number of issues and I think we finally have reached an agreement on most of those issues and it is great to finally be here and have the members of the Commission consider this application.

Encinal used to be part of the Naval Weapons Station which is the reason that jetty was formed was to protect the shoreline during World War II. They stored a lot of ships and aircraft at this particular location.

It is a manmade beach. It is a small half-acre piece of property but it does get visited quite extensively by a number of groups. There is an outrigger group that utilizes this beach for their club. It gets used during the summer for a children's sailing class and a number of fishermen go out on that jetty and fish quite often. So it is a high-use area for being such a small area.

The objectives that we wanted to have with this project was to remove the ice plant that is on the dune area which is the upland area. The ice plant provides no beneficial habitat for any wildlife and it makes that area inaccessible to the public as well. It is not pleasant to sit on as much as sand would be.

Then we would like to restore native dune habitat in that area. And to do that we need to raise the elevation of the dunes by importing sand and then hydro-seed with native dune vegetation.

It is a high-use, public-access area and the District is just wishing to improve that public access and connect the dunes to the boat launch facility. And that is important because this year the City of Alameda is restoring that entire boat launch facility. They are starting in August on that project.

Right now it is old and run down. It doesn't function during low tides. And so they are going to redo the entire, boat launch facility and put in new bathrooms, a fish cleaning station, repave the parking lot facility that is behind this area, put in lighting; so it is really going to become an attractive area for members of the public and it is definitely kind of a hidden gem for residents of Alameda.

Our projects on purpose are going to connect to each other. And we actually had the same engineers design the boat launch facility project and this dune restoration project.

There is a dilapidated barge that either was placed into the shoreline or it somehow became embedded in the shoreline but it is protecting the shoreline right now. And the Bay Trail is right on top of that barge. It is dangerous. It is an eye sore and it is not consistent with the rest of the rip rap along that shoreline right there which is protecting the Bay shoreline. So we'd like to remove that and just kind of make it better looking.

The project really is just giving this area a facelift. And we know it is going to become a more high-use area for the public. There is a lot of large debris that washes ashore here. And we just want to improve it and make it look better for the public.

I'd like to make note of the steepness of that slope where the barge is. That is kind of a transition zone between the beach and the rip rap area of shoreline. We reached an agreement with Rebecca and her staff on how we can address that and make it a little better looking.

Here you see an artist's rendition of what we intend it to look like. You can see that there are two trails that are leading from the boat launch. There is actually going to be a kayak lay-down area and wash station at the top of that center trail which leads right down to the beach.

And then there is also a trail leading from the parking lot down to the beach as well.

You see here on the beach that kind of looks like a stairway – that is not a stairway. That is going to be a mobi- mat which is a removable mat that you place over sand and it provides ADA access.

Funding for this project – so for the design and permitting phase which is nearly complete after today; we used WW money. We also have received a Prop 1, Measure AA grant from SFBRA for \$400,000 and the District agreed to match that grant with more WW money and we just recently also applied for a \$200,000 grant for Cosco Busan mitigation money.

This picture is during a King Tide event. You can see the beach is gone. It goes right up to the top of the dune area where the ice plant is. You can see why we need to raise the elevation of the dune to account for sea level rise.

There is a berm right there that has been created where the top of the water's edge is. It is a two-foot berm. The idea is once we raise the dunes we will gently slope with sand to remove that berm and actually increase the width of the beach to provide more access.

So the CEQA document was adopted by our board members in July of 2017. We have a near 100-percent design done by the end of last year 2018. We are hoping to receive permits within the next couple of weeks.

We were originally aiming for construction this year but the District has other priority projects that this one kind of got pushed back until next year. And we are getting into the time where it is not the best time to really bid construction projects. You want to do that earlier in the year. So we are aiming for construction next year in 2020.

I don't want to give the impression that we are creating habitat for endangered species. The intent of this project was to not create nesting habitat for these species but we certainly think they are in the area. Crown Beach which is adjacent and we certainly think it could be an important foraging habitat for these birds.

The last two years we've actually seen a couple of clusters of Monarch Butterflies use some of the trees that are adjacent to this property.

So as part of that we added to the seed mix for the dunes some over-winter nectar plants that maybe the Monarch Butterflies could utilize and we might see more of those around.

There is also a Harbor Seal haul-out several hundred yards away from the beach. And that will be part of our interpretive signage that we are installing at this site. It will be warning people to enjoy the wildlife but keep your distance.

An important part of our mission is to protect and enhance natural resources but also balancing that with public access and providing outdoor experiences for members of the public.

I need to mention that this project became a designated, Bay Water Trail site in 2017. So it will be on that map and for those reasons we do anticipate more people to utilize it.

A big part of the mission of the Commission is to provide long-term resiliency to climate change and sea level rise. And we did consider a living shoreline for this site and it was a strong point of contention with Rebecca and her staff and we discussed it but the steepness of the slope and the area we had inland to use, which is not much because the Bay Trail is right on site; it really wasn't feasible for this particular project. But we certainly consider it in all our shoreline projects and on a larger scale projects that utilize more shoreline, the District is certainly willing to consider more of a living shoreline example like this. It just didn't work for this site.

Where the barge is will be a transition zone. Most of that shoreline is rip rap but we will transition as you go to the beach from cobble to gravel to sand. So it will be a small transition zone and we hope that provides some access to the beach as well.

And so that is the project and it is more of a clean-up and enhancement project. And I thank the Commission for considering it. I also want to introduce Matt Graul who is sitting behind me and he is the chief of our Stewardship Department. Hopefully we can address any questions and concerns you might have. Thank you.

Chair Wasserman announced: We will open the public hearing. I do not have any public speakers. I would ask that there be a motion to close the public hearing.

MOTION: Commissioner Vasquez moved to close the public hearing, seconded by Commissioner Gorin. The motion carried by a voice vote with no abstentions or objections.

Chair Wasserman continued: The public hearing is closed. Are there questions or comments from the Commission?

Commissioner McGrath commented: There is a small amount of fill involved here which I certainly support; I just want to keep reminding us of the amount of fill that is necessary to restore the wetlands that we have in mind for sustainability and maintain for sea level rise. It is somewhere between 200 million and 400 million cubic yards. And here we are talking about 1000 so we need to do more.

Chair Wasserman clarified (Off mic): But you are not suggesting there be more fill in this particular project?

Commissioner McGrath (Off mic): No.

Chair Wasserman continued: Staff recommendation please.

Ms. Coates-Maldoon read the recommendation into the record: On April 26th you were mailed a copy of the staff recommendation for BCDC Permit Application No. M2007.002.01, a Material Amendment for the Encinal Beach Project.

Staff recommends that you approve the permit application with conditions. Staff recommends that you determine that the required Bay fill is allowable with the inclusion of a number of special conditions to ensure Bay resources are adequately protected, including requiring that construction take place during environmental work windows, that the project implement measures to protect water quality, that the barge and debris be removed, and that the materials used for bank stabilization meet certain requirements.

With regards to the dune area, staff recommends conditions that allow for the limitation of physical public access onto the dune area as long as the dunes are maintained, vegetated and adequately function as a demonstration dune habitat that provides an educational public experience.

If the dunes cease to function for their intended purpose, the permittee would be required to remove the perimeter fence and allow for unrestricted public access onto the dunes.

At the cobble and sand interface, staff recommends conditions that allow for the permittee to address future maintenance needs through the placement of additional cobble or other treatments if needed, while prioritizing the placement and continued use of sand in this area for its public access benefits.

Conditions are also included to ensure that the project provides appropriate features and amenities for visitors to the site, such as pathways that connect with the adjacent City of Alameda site, a removable, accessible, beach pathway known as a mobi- mat, and interpretive signage.

With these and other conditions outlined in the staff recommendation the staff believes that the project is consistent with the Commission's law and Bay Plan policies and recommends that you adopt the recommendation of approval.

Chair Wasserman asked: Does the applicant accept the conditions and the recommendation?

Mr. Sullivan replied: The Park District does accept.

Chair Wasserman continued: Thank you very much. Any other discussion on the motion? (No comments were voiced) Peggy call the roll please.

MOTION: Commissioner Wagenknecht moved approval of the staff recommendation, seconded by Commissioner Gorin.

Commissioner Butt stated: Mr. Chair the East Bay Regional Park District is a client of an architectural firm in which I have a financial interest in. So I am going to recuse myself.

VOTE: The motion carried with a vote of 16-0-0 with Commissioners Ahn, Gorin, Eckerle, McGrath, Peskin, Pine, Ranchod, Randolph, Sears, Vasquez, Nguyen, Techel, Wagenknecht, Holzman, Vice Chair Halsted and Chair Wasserman voting, "YES", no "NO", votes and Commissioner Butt recusing himself.

9. **Commission Consideration of Resolution.** Item 9 was postponed.

10. **Briefing on the San Francisco Bay Regional Water Quality Control Board Policy Updates to Consider Climate Change.** Chair Wasserman announced: That brings us to Item 10 is a briefing on the San Francisco Bay Regional Water Quality Control Board's consideration of climate change to their Basin Plan policies. Megan Hall will introduce the briefing.

Planner Hall presented the following: For today's briefing I am excited to introduce Cristina Toms of the Regional Water Quality Control Board. Christina will be briefing you on the Water Board's work to address climate change in their policies and process; a process which actually parallels in many ways the work that we are doing on the Fill for Habitat Amendment and it is also great timing with today's release of the SFEI and SPUR Adaptation Atlas.

Christina is an ecological engineer and senior scientist with the San Francisco Bay Regional Water Quality Control Board where she helps lead the agency's work on estuarine wetland restoration and climate change adaptation planning.

Christina manages the Water Board's Wetland and Climate Change Policy Update as well of the Adaptation Atlas Project with the San Francisco Estuary Institute.

She is a great source of knowledge on all of these things related to resilience and habitat and her presentation today will be really informative for all of you. Welcome Christina.

Ms. Toms addressed the Commission: One of the best parts about this job has been working with BCDC's really fantastic staff. Thank you so much for having me here today.

I am excited to update you on the status of our agency's wetland policy efforts which dovetail very nicely with BCDC's efforts.

Throughout this presentation you will see photographs of San Francisco Bay marshes and shorelines flooded by King Tide events which are roughly a foot above typical high tides.

Many of these photographs are from the California King Tides Project which uses citizen science and photography to illustrate what a foot of sea level rise could look like around the Bay and an amount we could easily see in our lifetimes.

Climate change is impacting and will continue to impact many of the fundamental, environmental processes that make California one of the most bio-diverse regions in the world, a destination for global citizens and an international economic powerhouse.

Changes in the frequency and timing of rainfall are increasing the risk of catastrophic wildfires while increases in the frequency and severity of floods are testing the limits of our already aging infrastructure and placing vulnerable communities at a greater risk of loss and displacement.

In the Bay Area one of the most visible manifestations of climate change is sea level rise. Local sea levels have risen almost eight inches in the last 100 years and that trend is expected to accelerate sharply in the latter half of this century.

The anticipated effects of sea level rise on the Bay shoreline are numerous and significant and will impact just about every one of the Water Board's regulatory programs.

Coastal flooding, overtopping, and erosion will become more critical and severe, crippling our transportation and utility infrastructure, inundating low-lying communities and contaminated sites, and increasing the risk of pollution entering the Bay.

The locations of peak sediment deposition and flood-control channels that drain to the Bay will move upstream, changing the nature of local flood management.

Higher groundwater levels around the Bay margins could further increase flood risks in low-lying areas and potentially impact the movement of polluted groundwater.

And the Bay's tidal wetlands which have been the focus of so many conservation and restoration actions over the past three decades could in many places struggle to keep pace with rising sea levels including at Bothin Marsh pictured here in this photograph.

The potentially widespread loss of wetlands around the Bay would have tremendous negative consequences for the resilience of our region's natural and built communities.

Water Board staff has therefore been working hard over the past three years to understand how we can fine tune our policies and procedures to more effectively prepare for and respond to the threats posed by climate change to the Bay's wetland habitats.

I will briefly discuss the work we have done so far to identify potential elements of a wetland policy update, what we have learned from our efforts and what we plan to do moving forward to ensure our wetland regulations are climate-change ready.

First, what we are doing. Our wetland-policy-related activities broadly span three categories. We are planning and permitting projects with a major nexus to climate change, engaging in a broad range of collaborations and outreach activities, and supporting the San Francisco Estuary Institute in the development of a Baywide Adaptation Atlas based on the science of operational landscape units (OLUs).

Project planning and permitting is one of the primary ways that the Water Board can influence the current and future configuration of the San Francisco Bay shoreline.

Federal and state regulations grant the Board authority over a broad range of wetland-related activities that can impact water quality and beneficial uses including but not limited to the placement of fill in wetland and waters, dredging and beneficial reuse and the near-shore discharge of treated wastewater.

One of the key policies that influences how the Water Board regulates work in wetlands is the California Wetland Conservation Policy commonly referred to as the No Net Loss Policy due to its directive to ensure that there is no overall net loss and a long-term net gain in the acreage, functions and values of wetlands in California.

This policy is incorporated into our Basin Plan and underpins much of our approach to identifying wetland impacts and appropriate mitigation measures. Crucially, the policy emphasizes the need for wetland conservation to be implemented on a regional and landscape scale recognizing that a patchwork approach to wetland protection limits the functions and values of these crucial ecosystems.

When the California Wetlands Conservation Policy was signed by Governor Pete Wilson in 1993, tidal, wetland ecology was a relatively newer field of study. In the Bay Area scientific luminaries such as Phyllis Faber and Dr. Joy Zedler emphasize the importance of landscape connectivity and wetland conservation.

In other words, the need to consider how adjacent, non-wetland habitats influence the functions and values of the wetlands themselves. Thus was born the idea of the complete tidal marsh, which extends above and below the realm of the tides to include upland, transition zones, sub-tidal waters and everything in between.

As explained in the Baylands Ecosystem Goals Update, or BEHGU, a complete tidal marsh is greater than the sum of its parts and provides a broad range of functions including wave attenuation, nutrient cycling, nursery habitat and much more.

BEHGU especially emphasizes the protection of adjacent, upland transition zones, or ecotones, which buffer wetlands from development provide high-tide refugia for marsh wildlife, and support the long-term, sea-level-rise-driven movement of tidal marshes up slope.

However, despite the importance of these landscapes the Water Board typically does not exercise jurisdiction over the portions of the transition zone that are above the high-tide line. This is notably different from how the Water Board treats riparian zones along streams where we consider areas above the ordinary high-water mark to be a fundamental component of healthy stream ecosystems and therefore waters of the state.

In essence, we don't always consider transition-zone habitats above the high-tide line to be components of wetlands, even when they are crucial to wetland health.

This can sometimes but not always, complicate our ability to address no-net loss and multi-benefit tidal wetland restoration and shoreline adaptation projects that include design elements above the high-tide line.

For example gradually-sloped ecotone levees, such as the one shown here at the Sears Point restoration project in Sonoma County, typically have crest elevations well above the high-tide line.

Beach ridges such as the one shown here at Shell Beach in Foster City are built and maintained by wave action and therefore can also have crest elevations above the high-tide line.

Marsh mounds, such as the one shown here at Muzzy Marsh in Corte Madera, are constructed features in tidal wetlands that create critical, high-tide refugia in marshes that are losing ground to sea level rise.

Marsh mounds also often have elevations above the high-tide line. These features can result in a net gain in the functions and values of wetland restoration and shoreline adaptation projects, but when considered strictly on the basis of their footprints, they can result in a net loss in the acreage of wetlands and waters.

Numerous types of multi-benefit tidal wetland restoration and shoreline adaptation projects have illustrated some challenges in our current regulatory framework, including but not limited to no-net loss.

We use the term multi-benefit to refer to projects that appropriately have multiple benefits including improvements to habitats, water quality, flood management and recreation.

Shoreline adaptation projects aim to improve the resilience of natural-developed shorelines to sea level rise and exist along a spectrum from grey to green.

Grey infrastructure uses hardened, engineered measures such as seawalls and rock revetments to attempt to protect shorelines from waves and erosion.

Green or nature-based infrastructure utilizes natural habitats such as beaches and wetlands as well as analogs to natural processes such as thin-layer sediment placement and the beneficial re-use of treated wastewater to protect and sustain shorelines and provide co-benefits to habitats and recreation.

Hybrid infrastructure contains elements of both grey and green approaches. For example a beach held in place by rock revetments at either end.

Our experience in permitting these projects has revealed some opportunities to improve how we approach alternatives analysis, wetland conversion, fill placement, the beneficial re-use of dredged sediments and treated wastewater and other regulatory elements which I will describe later.

Another way that the Board is addressing climate change is by engaging with a broad range of partners from fellow-resource and regulatory agencies, municipalities, universities and NGOs.

We are far from the only agency grappling with the fact that our regulations were largely developed during a time when the Bay was being shrunk by development.

Sea level rise and the specter of an expanding Bay are novel challenges that we can most effectively address through collective action.

This is one of the many reasons why the Water Board is one of the six state and federal regulatory agencies participating in the San Francisco Bay Restoration Regulatory Integration Team, or BRRIT.

The BRRIT will efficiently and effectively coordinate the permitting for multi-benefit projects including but not limited to those funded by Measure AA through the San Francisco Bay Restoration Authority.

We also participate in the BRRIT's project management team which is developing procedures for early project planning and review.

We are also very happy to work with BCDC to coordinate our Wetland Policy Update with BCDC's Bay Plan Amendment for fill for habitat projects.

Our efforts share multiple, key-regulatory challenges such as fill in wetlands and waters, convergence between different types of wetlands, sediment management and uncertainties about the pace of wetland evolution and recovery.

Our hope is that by sharing ideas about how to best address these challenges and update our policies we can leverage each other's knowledge and resources, provide consistent guidance to permit applicants and help foster a healthy, resilient, accessible, Bay shore.

Water Board staff also participate in the Adapting to Rising Tides Program providing technical support to BCDC staff and providing input on sea level rise vulnerabilities and potential adaptation strategies.

The Water Board is also helping to lead the development of a program plan for regional tidal wetland monitoring. Currently wetland restoration and shoreline resilience projects are monitored on a project-by-project basis which makes it difficult to assess regional trends and tidal wetland conditions and functions.

We are key part of a team funded by U.S. EPA to develop a plan for a Wetland Regional Monitoring program that includes the San Francisco Estuary Partnership, SFEI, the San Francisco Bay National Estuarine Research Reserve and the State Coastal Conservancy.

BCDC is a partner on the Program Steering Committee and staff is helping us identify key priority metrics for monitoring.

Together we are developing regional science to inform key information needs such as where tidal wetlands are and aren't keeping pace with rising sea levels and where intervention may be necessary to help these wetlands persist into the future.

We expect that the science will be especially helpful to the San Francisco Bay Restoration Authority as it decides which projects to plan and implement through Measure AA.

This regional, multi-disciplinary, integrative approach is modeled after the highly-successful Bay Regional Monitoring Program established by the Water Board 26 years ago.

One of the most effective venues we have for promoting and obtaining feedback on our plans and policies is through collaborative project planning.

We strongly encourage permit applicants to work with us during project planning and design phases well before they have come to us for permits.

The five projects listed here are all examples where we are working with a broad spectrum of partner agencies including BCDC, private entities, decision makers, elected officials and NGOs to collaborate on plans for projects that will restore wetland habitats, decrease local flood risks and improve local communities' resilience to climate change and sea level rise.

Though our resources are limited and we are often forced to triage our efforts we have found that this early investment of time and thought leads to better projects and more efficient and streamlined regulatory processes.

These five projects are a sub-set of a much broader suite of collaborative efforts that stretches across the Estuary from Suisun to San Pablo Bay to San Francisco Bay and the Pacific Coast. On pretty much on all of these Bay projects we are working with BCDC.

Finally the Water Board is the primary funder of SFEI's newly-released as of today Adaptation Atlas, which applies the science of operational landscape units, or OLUs, or natured jurisdictions, to the San Francisco Bay shoreline.

The Adaptation Atlas proposes a science-based, cross-jurisdictional framework to understand and respond to sea level vulnerabilities, offers a suite of nature-based and policy options to minimize climate change impacts and provides a blueprint for regional, environmental cooperation among local communities who invest in shoreline flood protection.

We are thrilled that the Adapting to Rising Tides Program has recently begun utilizing OLUs in the Adaptation Atlas as a geographic framework for identifying climate change risks to transportation, housing, habitats and vulnerable communities.

BCDC's Jessica Fain sits on the project's Regional Advisory Committee and we look forward to working with her and other BCDC staff on future phases of the Adaptation Atlas Project.

Through our efforts so far what has the Water Board learned about how we could improve our policies and regulations to respond to the challenges posed by climate change?

Over the next four slides I will discuss some key regulatory opportunities we've identified through our efforts.

One of the first, key opportunities we can address in our policy update is to clarify how we will interpret and apply no-net-loss for multi-benefit projects that require fill placement in wetlands and waters.

We can identify types of fill placement that could improve wetland functions and values for which we wouldn't typically require mitigation.

These features could include but not be limited to horizontal and ecotone levees, living shorelines, beaches, dunes, hybrid shoreline infrastructure, strategic sediment placement to increase marsh plain elevations and high-tide refugia in marsh edges and interiors.

We can clearly identify and describe the environmental benefits of complete tidal wetland systems based on the guidance provided in BEHGU and related scientific literature.

We can identify preferred strategies for sea level rise adaptation using the Adaptation Atlas to narrow down the suite of nature-based approaches that may be feasible at a given location and inform alternatives analysis.

We can provide technical guidance to projects, perhaps by developing a guide to tidal wetland restoration and shoreline adaptation design and permitting, similar to the one developed by Dr. Anne Riley of the Water Board years ago for creek restoration projects.

We can clarify acceptable types of wetland-type conversions such as non-tidal salt ponds to tidal open waters and mud flats. We can develop a framework for considering the spatial and temporal uncertainties that are inherent to wetland restoration in a time of rising sea levels and changing estuarine dynamics.

We can clearly define multi-benefit projects to avoid the green washing of projects that include minimal to no environmental benefits.

We can incentivize landward alignments of shoreline protection infrastructure to provide space for habitats such as beaches and wetlands to move and evolve naturally with rising sea levels and minimize the isolation of existing wetlands from the Bay.

We can minimize the impacts of cumulative, shoreline hardening throughout the Bay and permit grey infrastructure only when and where it is the most reasonable approach. Again, something that the Adaptation Atlas can help us do.

We can evaluate mitigation on a regional basis and clarify expectations for mitigation banks and in-lieu fee programs.

And we can support regional tidal wetland monitoring to provide better science for decision makers.

Given what we have done and what we know, what are the next steps in the Water Board's Wetland Policy Update process?

First we will continue to leverage internal and external resources to execute our policy update. We will continue our existing collaborations and outreach efforts working with our partners including BCDC to establish regulatory priorities and avoid duplicating efforts.

We will identify a cross-divisional, multi-disciplinary internal project team, recognizing that each of the Water Board's regulatory programs has a nexus to the Bay shoreline.

This team will help us identify and evaluate priority actions to update our regulatory framework as well as help broaden the reach of our stakeholder engagement efforts to support this prioritization.

We will also develop an external advisory committee composed of representatives from partner resource and regulatory agencies, including BCDC, dischargers, decision makers and the science community to provide expert peer review on any proposed new or revised policies.

We will complete a project technical report that presents additional details on climate change and the Bay's tidal wetlands, our typical permitting procedures, key regulatory challenges and opportunities, and our plan to develop an updated regulatory framework.

This report is currently in draft form and is undergoing internal and external peer review.

We anticipate releasing the report to our Board, our partners and the general public this summer.

Finally we are developing a stakeholder engagement strategy that includes holding workshops with Water Board staff, Board members and external partners on key policy and technical issues and collaborating on policy updates.

We are seeking new partnerships with three entities: the Metropolitan Transportation Commission, the Bay Area Flood Protection Agency's Climate Hazards Adaptation Resilience Group, and the Bay Area Regional Collaborative which includes BCDC.

These organizations have broad mandates to help forge the future of the Bay Area and we want to help them do so in a way that prioritizes the protection and resilience of the Bay's water quality and beneficial uses.

We anticipate engaging with these groups on a broad spectrum of regional planning issues, including but not limited to wetland protection and climate change resilience.

I would like to acknowledge the many people who have participated in these efforts so far including Naomi Feger, Lisa Horowitz McCann, Thomas Mumley, Xavier Fernandez, Keith Lichten, Richard Looker and Sami Harper from the Water Board and Shannon Fiala, Megan Hall, Brenda Goeden, Jessica Fain and planning and regulatory staff from BCDC.

And of course I would like to thank the California King Tides Project for generating so many of these fantastic visuals.

And if there are any questions I am happy to take them.

Commissioner Butt had questions regarding jurisdictions: Can you elaborate a little bit more on the Water Board's jurisdictional authority that brought you into this? I think probably of all the agencies that were discussed the Water Board's jurisdiction is the one I understand the least.

I mean I deal with the Water Board on discharges into the Bay, on clean-up of toxic sites – somehow I get the idea that you have jurisdiction over tidal wetlands.

So if there is a project in a tidal wetland that would require a Water Board permit as well as possibly BCDC permit, Corps of Engineers permit and maybe a Fish and Wildlife permit – who else am I missing?

Ms. Toms replied: So it would be the Corps, the Water Board, BCDC and sometimes they have to do a Section 7 consult so you have to do the U.S. Fish and Wildlife Service, National Marine Fisheries Service and the California Department of Fish and Wildlife.

Executive Director Goldzband added: But that is exactly why we have formed the BRRIT. That is why Brad McCrea is spending a tremendous amount of time organizing and leading the project management team of the six or seven agencies so that all of those permits can be dealt with without being ad seriatim but instead collaboratively.

Ms. Toms stated: If it is wet we regulate it. (Laughter) One of the more interesting things about working at the Water Board is that we don't only have jurisdiction over what is happening along the shoreline and in our estuarine environments but we also have jurisdiction over watershed management.

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So one of the things that we are very keyed into is how we can manage our watersheds to improve the delivery of freshwater and sediment to our Baylands.

So our Baylands are largely sediment-starved. We have these giant, subsided polders. I know Jeremy Lowe spoke to you a couple of months ago about these big holes that we have to fill and Jim is always talking about the hundreds of millions of cubic yards of sediment that we need to get to the Baylands; so that is another thing between managing sediment and also managing freshwater discharges from things like wastewater treatment plants – we have a lot of knobs and dials that we can turn.

Commissioner Butt continued: The definition of, “if it’s wet” – does that include beaches and mudflats?

Ms. Toms answered: It typically does, yes.

Commissioner Butt added: Living marshes and that kind of thing?

Ms. Toms replied: Yes. Waters of the state generally go beyond waters of the U.S. So we do take jurisdiction over beaches and mudflats.

Executive Director Goldzband commented: So one of the things about the Adaptation Atlas that I want to say as a staffer at BCDC; one of the things that I talked about when we spoke with Paul Rogers two days ago for his article which you will all see is that the really marvelous thing – there are two really marvelous things about the Adaptation Atlas.

First is what it contains. Using OLUs and all of the science and the way we work with them is really tremendous. But the other thing that really needs to be stated which really is not stated except by Warner Chabot in either article is that the use of the Adaptation Atlas by everybody when you combine it with the Shoreline Flood Explorer of BCDC and moving using SPUR and its outreach program and the like really signals very much a radical step up by the regulatory and planning agencies around the Bay with regard to how we are going to deal over the next couple of years.

When I got to BCDC and a couple of years later started hearing about OLUs, operational landscape units – there was an awful lot of concern around the Bay Area about the sort of sharp elbows that were increasingly occurring throughout the Bay Area regulatory and planning agencies about whose work is most important and who is going to get credit for what.

That has changed a great deal in the past few years. And it has changed for an awful lot of reasons that I won’t go into. But I think it demonstrates a tremendous amount of leadership on the part of all the regulatory agencies because leadership doesn’t just encourage but it forces people and organizations to accept that they may not be number one in everything they want to be, and instead actually have to work collaboratively so that the whole is greater than the sum of its parts.

And I think that when you see what BCDC has done over the past year or two with regard to our Bay Plan amendments, with regard to the shoreline web tool, with regard to how the regulatory organization is using the science in order to ensure that permits are done

correctly – it really demonstrates a huge step up and I know that the same is true with regard to the Water Board and it has been tremendous when we look at really how this process of figuring out what the shoreline is going to look like over the next five to ten years is really starting to come together.

We don't have the answers yet but I think we've got a really, really good foundation on which to set up the regional shoreline adaptation planning framework during the next couple of years.

I just wanted to congratulate the Water Board, SPUR and SFEI for doing such great work.

Ms. Toms acknowledged the compliment: Thank you and we are excited to fund the next phase of the OLU Project of the Adaptation Atlas. God willing our contract staff in Sacramento get it processed by early July we should be rolling on further refining this tool.

We want to emphasize that this is just the first step. This is largely a desktop exercise that has been informed by site-specific science. But we have a long way to go.

And to your point about leadership, the challenge to responding to climate change and sea level rise is so profound – it's all hands on deck. There is absolutely no one agency that can shoulder this lift on their own.

And so we are really grateful to partner with BCDC and partner with the Estuary Institute and partner with the other resource and regulatory entities and begin to demonstrate what is possible. There is nowhere else in the country that is doing this. I am from near the Jersey shore and they are nowhere near the level of the science or the planning and integrating the science and the planning and underpinning the planning with genuine science and engineering. We are literally light years ahead of just about every other part of the country.

And I think we as a community need to be mreally proud of that.

Commissioner McGrath stated: Oh this is a good day. (Laughter) You know I played basketball until I was 53 and I do see the value of sharp elbows. (Laughter) I think it has been quite pleasant to see the partnerships developing. I have to praise BCDC staff who sat through this over at our Board meeting.

I want to make sure that we understand how the continuity works. I was fortunate enough to be on the Board of the Estuary Institute for many, many years and we'd be foolish to forget about Will Travis starting this effort to make sure that we all began to think about sea level rise and how long it was going to take to deal with it.

And one of the things that Will was beaten up at the time including by Barry Nelson was for his efforts at purchasing the Napa Salt Ponds and putting that together. But we now have these salt ponds that we can use to bolster our resiliency in the North and the South Bay.

And of course the Coastal Conservancy in planning those masterfully – Laura Marcus in particular who was one of my heroes and my partner in putting together Sonoma Baylands.

So there are a lot of people involved and as Larry said they are all working together nicely now. It is really nice to see.

Chair Wasserman made closing statements: I want to echo very strongly what has been said. I would encourage in your next versions and the communications; I would encourage your agency to call it, “rising sea level” and use RSL instead of sea level rise. We’ve made that shift and it may seem like nothing but “rising sea level” is ongoing, active thing.

Ms. Toms interjected: An active verb – yes.

Chair Wasserman continued: Slightly related to that is on Slide 21 when you talk about key regulatory opportunities, consider temporal and spatial tradeoffs and uncertainties – that is way too nerdy. (Laughter) It expresses some very important issues and overall this is a tremendous communication tool as well as an introduction to what is being done, and what needs to be done but all of us need to be conscious of the language because as this gets out – yes, the unknowns in timing about rising sea levels is critical where temporal does not convey that.

And similarly the tradeoffs of protecting some areas and perhaps not others or the consequences on some areas as we protect others is tremendously important – “spatial tradeoffs” again, not so much.

But overall I echo the comments. This is a tremendous effort and I appreciate very much your recognizing the collaboration that went into it and indeed the collaboration that made it possible.

So great applause to your agency and all of the staff who participated.

Commissioner Nguyen was recognized: Thank you for the presentation. It is a lot of information. I am curious if you could elaborate a little bit on the coordination in the section with the Bay Area Regional Collaborative Adapting to Rising Tides effort?

Ms. Toms replied: We are working with BCDC on their Adapting to Rising Tides efforts and then the Bay Area Regional Collaborative is a relatively new effort that the Water Board is engaging in and that is my management. I can’t really speak to that. That is relatively new – our engagement with BARC.

We hope to have a seat at the table with them and look forward to collaborating with them.

In regards to Adapting to Rising Tides the Water Board staff has been participating in that process for quite some time, attending many of the workshops that have been held here, targeted workshops on wetland restoration and sediment management. There were a number of regional workshops and Water Board staff attended most of those.

It is a continuing dialogue. We are trying to make sure that ultimately that what we are doing that our policies and procedures that we are updating that we are not working at cross purposes with anything that BCDC is doing in ART or in their Bay Plan amendments.

And so that constant communication has been almost weekly communication with Shannon and Megan on a whole host of these issues and we work really well together and that communication is really key.

Commissioner McGrath commented: I'd like to add as the vice chair we just hired a new executive officer of the Water Board, and one of the things that we have asked him to do is begin to work collaboratively with the MTC. I think we recognize that the future of the Bay Area economically depends on having a resilient transportation system and the problems that we anticipate and see now in parts of Highway 101, Highway 37 and the toll plazas is all very important.

So we are working on that at the management level as well as at the staff level. And that is one of the things that we have asked of him.

Chair Wasserman stated: And I welcome the collaborative efforts between the Water Board and BARC. I think as a member of BARC and former chair of the Water Board should have a seat on BARC. And I have some thoughts on how we can perhaps accomplish that more quickly than one might think.

Thank you very much.

11. Adjournment. Upon motion by Vice Chair Halsted, seconded by Commissioner Wagenknecht, the Commission meeting was adjourned at 2:59 p.m.